

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FLEMING COMPANIES, INC.)	CASE NO. C-1-01-088
)	
Plaintiff,)	JUDGE BECKWITH
)	
v.)	Magistrate Judge Hogan
)	
KENNETH L. BARBOUR, et al.)	
)	
Defendants.)	AFFIDAVIT OF ROBERT J. MCBRIDE

STATE OF OHIO)
 SS:
COUNTY OF STARK)

Robert J. McBride, being duly sworn deposes and says:

1. He is the attorney for judgment creditor, Fleming Companies, Inc., the Plaintiff in the above captioned case and makes this Affidavit in support of Plaintiff's Motion for an Order from this Court requiring that Mark A. Barbour, one of the Defendants in the action, be brought before this Court for examination to determine what property judgment debtor Mark A. Barbour may have in the State of Ohio subject to execution.

2. On May 14, 2001, a judgment was rendered in this Court in favor of judgment creditor, Fleming Companies, Inc. and against judgment debtor Mark A. Barbour for \$722,643.18 plus interest and costs and the judgment was duly entered and docketed in the records of the Clerk of the Court.

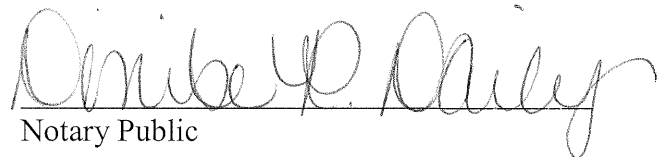
3. The judgment has not been satisfied.

4. Based on Affiant's information and belief there is property of judgment debtor Mark A. Barbour subject to execution within the State of Ohio which appears to be discoverable only through appropriate supplementary proceedings in aid of execution such as requested in the Motion of judgment creditor Fleming Companies, Inc.

5. Judgment debtor Mark A. Barbour was last known by Affiant to reside within this judicial district in Aberdeen, Ohio at 1834 Stivers Avenue.


Robert J. McBride

Subscribed and sworn to me on December 19, 2003.


Notary Public

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DENISE R. DAILY
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 01-22-08